

FARMINGTON CITY COUNCIL MEETING

Wednesday, September 17, 2003

CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

PRESENT: Mayor Protem Larry W. Haugen, Council Members David Hale, Bob Hasenyager, Susan T. Holmes, Edward J. Johnson, City Manager Max Forbush, and Deputy Recorder Jeane Chipman. Mayor Connors was excused because of his attendance at the COG meeting.

Mayor Protem Haugen began discussion at 6:40 P.M. The following items were reviewed:

- ↯ Agenda Item #4– Request to remove barrier across 900 North Street between “The Estates at Shepard Creek” and “Oakridge Country Club Estates, Phase II,” Subdivision. Mr. Forbush reported there had been numerous calls by the citizens in the area wanting to have the barrier removed. Notifications of the public hearing had gone out to an extended area of the neighborhood.
- ↯ Agenda Item #5– Request to amend the General Plan on the north side of Burke Lane east of U.S. 89 from “Office/Business Park” to “Medium Density Residential” on 8.98 acres and to rezone said property from Business Park (BP) to Multi-Family (R-8). This item was a continuation of a public hearing from the last City Council meeting.
- ↯ Agenda Item #6– Consideration of Erwin Zundel’s requests to have a lot split approved and to gain a reduction of application fees. Mr. Zundel also requested that impact fees on the newly created lot be deferred until a building permit is issued. Laterals had been installed at the time the Shepard Heights Subdivision was created. No engineering costs would be required for this action. In such cases, it was not unusual for the City to reduce application fees because expenses were less.
- ↯ Agenda Items #7, 8, 9, 10, 11, 12, 13 – These items were briefly discussed giving the Council members opportunities to ask questions if desired.
- ↯ Agenda Item #14– Policy related to the new Community Center and its use. Council members discussed the need for policies regarding building use and operation budget. Potential membership of an internal committee was also covered.
- ↯ Agenda Items #15 and 16 were also noted.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members David Hale, Bob Hasenyager, Larry W. Haugen, Susan T. Holmes, Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman. Mr. Petersen was excused for the first portion of the meeting.

Mayor Connors called the meeting to order at 7:00 P.M. He offered the invocation and David Hale led the Pledge of Allegiance.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Bob Hasenyager moved to approve the minutes of the September 3, 2003, City Council Meeting as corrected. **Larry Haugen** seconded the motion. The voting was unanimous in the

Prior to the scheduled public hearings, **Mayor Connors** invited citizens to honor the Farmington tradition of encouraging open public input with not only frankness but with respect for one another. He stated that citizens do not always agree with one another, but that it was Farmington's tradition to disagree in an agreeable manner. He also cautioned those present not to applaud after comments.

PUBLIC HEARING: CONSIDERATION OF REQUEST TO REMOVE BARRIER ACROSS 900 NORTH STREET BETWEEN "THE ESTATES AT SHEPARD CREEK" AND "OAKRIDGE COUNTRY CLUB ESTATES, PHASE II," SUBDIVISIONS (Agenda Item #4)

Mr. Forbush indicated that the Police Chief, Fire Chief, Community Development Director, Public Works Director, and himself as the City Manager all recommended removal of the barrier for public safety and improved maintenance reasons. Removal of the barrier would also provide improved traffic circulation in the area.

Public Hearing

Mayor Connors opened the meeting to a public hearing. The Mayor invited Walt Hokanson, Public Works Director, and Larry Gregory, Fire Chief, to address the issue to begin discussion.

Mr. Hokanson said the closure of 900 North was discussed at the time the park was constructed. He said he had deep concerns about allowing the closure for several reasons, one of which was the precedence it would set. He raised the following issues: 1) If roads in the City can be closed, what criteria should govern such closures. 2) Grave issues regarding public safety exist. 3) Road closures impact the City's ability for safe and efficient snow removal. 4) Waste collection services are negatively impacted. 5) Ingress and egress of neighbors and especially

emergency vehicles are severely impacted when second-access roads are closed. If a single-access road needed to be blocked for maintenance or some other reason such as a major water leak, people would be trapped at their homes or they wouldn't be able to get to their homes. Worse, emergency vehicles would not be able to access property in the event they were needed. To do so even for a short time is always risky.

Fire Chief Gregory referred to 503.1.2 of the Utah Fire Code which states that cities are required to have more than one fire apparatus access road. He said as Fire Chief he had a right by law to required turn-around capacity if a road is over 150 feet long and that emergency vehicles needed a multiple of options to get in and out a given area. The barrier in question is a significant hindrance to access for emergency vehicles.

Robert Jackson (924 North 900 West) stated that the neighborhood had requested the closure of 900 North at the time the subdivision was being constructed to eliminate the possibility of construction trucks through residential areas where children would be at risk. He was not opposed to having the barrier removed. However, if it is removed he wanted to have safety measures in place to protect the children in the area. He felt there should be a stop sign, marked crossings, and a speed bump. The road has been a dead end for so long that children would not be used to having through traffic and would not be aware of the danger.

James Judd (1024 Prestwick Circle) stated he was a retired fire fighter who was aware of safety issues in regards to closed roads. When he moved to the area he noticed the barrier and was concerned about it at that time. He had been told that it was a safety measure while construction on the subdivision was under way. However, as the construction was completed, the barrier was not removed. Mr. Judd said a second means of egress would be paramount for emergency vehicles. He felt the issue was one of public safety not of convenience for the neighborhood.

Sue Baum (1154 North 1100 West) said she hoped the barrier could be removed and that negotiations could go forth with the School District to reroute school buses to improve the safety of the children who ride them. She had done a quick study of the number of children who wait for school buses and the number of cars using adjacent roads during the time children are waiting. The numbers initially indicated a real need to relocate the bus stops.

Mayor Connors cautioned Ms. Baum that the bus routes where an issue to be resolved by the School District. The City could be supportive but didn't have much influence with those decisions.

Jason Haacke (895 North 1100 West) said the barriers were located adjacent to his property. He reported a great deal of traffic in the area, most of which turns around in his driveway. He also stated that he felt the dead end street near the park encouraged the presence of teenagers late at night. He wanted to have the barriers removed but had reservations. He would like to see a stop sign

installed for safety reasons. The corner was not at a right angle and would encourage speeding. Mr. Haacke felt there should be a street light at that location. He also reported a low spot in the area that collected water year round.

David Musser (1063 North 1100 West) wanted to have the barrier removed and a stop sign installed. He said the corner created a line of sight problem which caused a definite safety problem especially for children.

Mayor Connors asked the Public Works Director to respond to the request for a speed bump in the area.

Mr. Hokanson said there were several problems with speed bumps and that they did not achieve the purpose of slowing traffic. Snow removal was especially difficult with the presence of speed bumps. He talked about other traffic calming devices tried by the City. At the request of citizens, a chicane had been installed at the top of Creekside Drive. Within a few weeks, the neighbors wanted it removed.

Mr. Hokanson discussed the drainage problem raised by Mr. Haacke. The Public Works Department was aware of the standing water. Mr. Hokanson stated that the water table was right at the road level near the Haake residence. Davis County had been asked to resolve the issue but because of Army Corp of Engineers designating the area as a wetland, no one could install an adequate drainage system.

Public Hearing Closed

With no further forthcoming comments, the **Mayor** closed the public hearing. The City Council discussed the issues, including the following points:

- ▮ A traffic engineer needed to be consulted regarding the safety issues raised by the citizens. Such an engineer will be able to direct the City in the best methods of protecting especially children should the barriers be removed and the road be a thoroughfare.
- ▮ Some traffic calming devices cause more problems than they solve. The situation needs to be carefully considered.
- ▮ Crosswalks are not effective unless they are accompanied by a crossing guard. If a crosswalk is installed without a guard, it tends to give children a false sense of security.
- ▮ Mr. Hasenyager reminded citizens of the history of the closure. At the time the subdivision was approved, existing residents were very concerned about the traffic and the construction trucks going through the area. They had been adamant about the closure. Further, Mr. Hasenyager recollected that a crash gate had been the closure type approved, not the barrier. He stated he had concerns that if the

barrier was removed that it would be a breach of promise made to previously concerned citizens. If the majority of citizens have changed their minds and were of the opinion that the barrier should come down, he would be supportive. He preferred that the barrier were not in place.

- ▮ Mr. Forbush emphasized that adequate notice had gone to residents in the area. He also said that he had received many phone calls calling for the removal of the barrier. The barrier was questionable since it appeared that it did not comply with State code.
- ▮ Mr. Hale stated that traffic routes in the area had been redesigned since the construction of the subdivision. Traffic patterns were no longer the concern they had been. He felt the composition and design of the subdivision had matured to a point where the barrier was no longer needed.

Motion

David Hale moved that the City Council authorize the removal of the barrier across 900 North and direct the Public Works Department to remove it. Also, that a traffic engineer be consulted regarding resolution of safety issues, lighting, signage, and sight distance problems. **Bob Hasenyager** seconded the motion.

In discussion of the motion, Ms. Holmes asked that the motion also provide for consideration of the possible need for fencing along the street side of the park for the protection of citizens, especially children.

Both Mr. Hale and Hasenyager concurred with the amendment. A vote was taken indicating the motion passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF REQUEST TO AMEND GENERAL PLAN ON THE NORTH SIDE OF BURKE LANE EAST OF U.S. 89 FROM "OFFICE/BUSINESS PARK" TO "MEDIUM DENSITY RESIDENTIAL" ON 8.98 ACRES AND TO REZONE SAID PROPERTY FROM BUSINESS PARK (BP) TO MULTI-FAMILY (R-8) – DAN LOFGREN OF COWBOY PARTNERS (Agenda Item #5)

Mr. Haugen stated he had a possible conflict of interest and excused himself from discussion, deliberation, and voting by leaving the room.

Public Hearing

Mayor Connors stated the public hearing was a continuation from the last City Council meeting. He invited citizens to comment but reminded them that their statements from the last meeting had been reviewed as part of the minutes and did not need to be repeated.

David Thomas (2073 North Kingston) stated he would like to make additional observations about the agenda item. He first complimented the City Council members for their hard work and devotion. He knew of the time and effort that goes into serving a community from previous experience in another area. Mr. Thomas stated all municipalities were experiencing financial hardships at this time. There isn't enough funding to provide for all the services needed by cities. He asked the City Council to carefully consider master planning for the area in question. The parcel was ideal for commercial development because of its location and proximity to traffic corridors. It was probably the prime commercial parcel between Layton and Bountiful. He also said that it was evident from what was happening in other areas that commercial endeavors succeed when they are placed on the east side of I-15. Traffic flows to the east and that is where people stop on their way home from work. He also reminded the Council that when Lagoon expands it will go to the north and the west— right in the direction of the parcel in question.

Niels Plant (311 South 650 West) was part of the Planning Commission when the BP zone was placed on the parcel in question. A great deal of careful thought had gone into the decision. Mr. Plant felt the City did not need increased residential development. The City needed tax based revenue that would be brought in by commercial development. Businesses do not operate at night at the same time Lagoon has its peak. A business on the parcel would not generate near the traffic that an apartment complex would. If Legacy Highway is constructed the location would be a "spaghetti bowl" of roads. Traffic congestion would be a very negative impact on apartment dwellers. Mr. Plant said he felt that Farmington's older citizens were having a struggle on fixed incomes and that new commercially based revenues needed to be found. Residential developments do not pay their way in the financial structure of a city.

Dan Lofgren (representing Cowboy Partners) said they had been working on this project for a very long time and that the design had been refined to include suggestions from nearby residents and Lagoon. All issues that had been raised, in his opinion, had been resolved. He promised the project would be done to high quality standards and would be an asset to Farmington. The apartments would be a very suitable use for the land. There had been strong signals from the City's own consultant that the development would be suitable for the parcel. There were physical constraints on the property that proved unfavorable for commercial endeavors. The property was not deep enough nor was the access advantageous for businesses. It was questionable for an office site. There were also wetlands on the parcel, which the apartment complex would use as an amenity. The market had already proven that no commercial endeavor was interested in the land. The current zone would allow for 8 dwelling units per acres. However, Mr. Lofgren was requesting a zone change to allow a higher density to allow the development to go to the critical mass needed to ensure quality, professional management in perpetuity. Mr. Lofgren also stated the Planning Commission had carefully considered the issues and had recommended approval. The City's consultant regarding land use issues showed in their preliminary report that the area was tertiary at best with regards to retail business. The highest and best use for the parcel was hospitality or multi-family. He asked that the City Council move with dispatch to approve the request and to increase consumer households which would in turn support additional retail in the future.

Bill Murray (broker working with Cowboy Partners) said the property had been exposed to 80 developers, all along the Wasatch front. These developers were commercial, either retail or other businesses. The physical constraints on the parcel were a deterrent to such developers. Mr. Murray cited the example of the MTC Corporation which wanted to locate on the parcel but because of timing and other reasons decided to go to Centerville. The MTC project would have been a good thing for Farmington. It is now a great benefit to the tax based revenues of the neighboring city. Mr. Murray stated there were three available acres to the north of the parcel in question which may be a draw to perhaps a fitness center. It would be a great disservice to the community not to allow the apartment complex. The complex was a complimentary use for the quality of the Farmington life style.

Mr. Johnson questioned Mr. Murray further regarding the physical constraints of the property. He asked if the parcel were combined with more land to the north, would it be more appealing to commercial enterprises?

Mr. Murray stated a large store such as Smith's required a minimum of 15 acres. The MTC Corporation was lost to Centerville because of the delays experienced in Farmington. He repeated that the parcel to the east was available for commercial development.

Mayor Connors asked what impact the apartment location on the current parcel would have to development of parcels further north.

Mr. Murray stated that there needs to be a increase in rooftops in order for commercial development to succeed in the City. Commercial developers look at the demographics of an area before they locate. Farmington does not have enough residents to support commercial growth. There needs to be more income at all levels. The apartment project would be a great asset to the City. There needs to be a residential base before commercial development comes.

Larry Elkins (57 East 300 North) stated the noise issues raised by Lagoon will only be present four or five months of the year and they will only last until 11 P.M.

Milo Marsden (representing the land owner, Jacqueline Bourne Marsden) stated that utilizing the 8 acres as residential property did not preclude the development of the northern parcels in any way. It was obvious that the City was planning a large commercial development to the west of I-15. He felt the Council should give appropriate weight to the opinions of the hired consultant. He did ask that he receive the thoughts of the Council at the time of their decision regarding uses that would be acceptable. He liked the Cowboy Partner proposal and said it would be a quality project.

Public Hearing Closed

With no further forthcoming comments, the **Mayor** closed the public hearing. The City Council discussed the issues, including the following points:

- ↯ The Ross Consulting Group had not been asked to give specific recommendations regarding land use for any one particular parcel. However, when asked to comment on the parcel in question, Tom Wooten of Ross Consulting did mention the parcel would likely be favorable to multi-family residences. The final report had not been submitted.
- ↯ The apartment complex would increase the rooftops in the City by 112 units. However, additional homes were being built in the west part of the City. The bigger issue seemed to be the accuracy of the General Plan as it now stands. What is the best use for the particular parcel in question according to the overall needs of the City.
- ↯ The apartment project would be quality. The City Council liked the looks and the standards of the design. The issue was not the project, the issue was the location of the apartments.
- ↯ Mr. Johnson raised concerns about traffic flow for the apartment dwellers. They would have to make a left-hand turn off a very traveled corridor to get home which may back up traffic in a dangerous way. He also had concerns about residential units adjacent to a major thoroughfare. The constant noise from the traffic would be a problem, much less the seasonal noise from Lagoon. The site was very visible along the traffic corridors through the City and seemed a good place for a retail business.
- ↯ Mr. Hasenyager said the number one priority regarding tax revenues was to get the right balance between revenues and needed services and to keep that balance in perpetuity. It was the goal of the City Council to make a good decision within the next few months regarding that balance. The bottom line seemed to be that the City had strongly encouraged the Lagoon Corporation to do all their expansion to the west and to the north—away from the City proper and residential areas. It would be well for City officials to support Lagoon in their expansion goals when they do so in compliance with City directives. When Lagoon installs a roller coaster to the north, citizens living in the proposed apartment complex will likely complain.
- ↯ Ms. Holmes expressed regret that the City had not been able to respond in a timely manner regarding such developments as the MTC Corporation. City officials were now in the process of setting up procedures and guidelines that will allow them to move forward in a pro-active way and in a timely manner to assure appropriate and beneficial development both in the commercial and the residential arenas. She also stated that she felt there were several concerns that would impact the apartment or any other development that would go on the parcel in question. However, she felt all those concerns could be resolved.

Motion

Susan Holmes moved that the City Council approve the request to amend the General Plan on the north side of Burke Lane east of U.S. 89 from “Office/Business Park” to “Medium Density Residential” on 8.98 acres and to rezone said property from Business Park (BP) to Multi-family (R-8) contingent on all City standards for doing so and with the condition that rental agreements include language approved by the City Attorney regarding notification of the fact that renters would be moving into an area impacted by both traffic and Lagoon noises.

Bob Hasenyager seconded the motion with the stipulation that the record indicate the importance of City officials being supportive of the Lagoon Corporation as it expands to the west and to the north in compliance with City requests.

A roll call vote indicated the following vote results: Mr Hasenyager in favor, Mr. Johnson opposed, Ms. Holmes in favor, and Mr. Hale opposed. The vote was a tie.

Mayor Connors stated it would be required of him to vote to break the tie. He stated that this area of the City has been agonized over by the Economic Development Steering Committee and continues to be agonizing, probably the most difficult piece of the whole area. Mayor Connors stated that he personally has agonized over this particular parcel as well. The Committee had near unanimity on the other areas west of Burke Lane and west of U.S. 89 and north of the intersection of I-15, but not on this particular piece.

There were two points Mayor Connors wished to make. He stated that he wished he could remember better on the MTC issue but his recollection was that the City Council didn’t say “no”, but the developer got frustrated because it was taking so much time and finally went to Centerville. The City Council at that time was disappointed but felt the need to take the time to carefully consider planning issues in the area before making a final decision. Unfortunately, the developer was not willing to wait.

The Mayor stated that he echoed and supported what Council Member Holmes’ said about the need to move more quickly. He stated that is why the City has spent 1 ½ years studying the economic development issue for this entire area so that a General Plan can be developed to give specific guidelines on what development should go in these specific areas. Then when developers come to the City, we won’t have to rethink our way through it; a road map will already be developed to follow.

Another point brought out by Mayor Connors is that everyone believes this is a quality developer and a quality development. The only issue that seems to create a controversy is the specific location; whether it should be in this particular corner - that is the only issue.

Mayor Connors voted nay on the motion. The motion failed by a vote of 3 to 2.

Jackie Bourne requested permission to address the Council. She asked for direction regarding what the Council would find acceptable as land use for the parcel.

Mayor Connors asked that she contact the City Planner who could give her more information regarding her request.

Mr. Hasenyager stated that when the City's consultant submits their final report it would likely have indications of appropriate land uses for the parcel in question.

Mayor Connors also stated that the City Council could not commit to any approvals before a formal request for land use is made. When asked about the timing of the consultant's report, the Mayor stated the economic steering committee would be meeting with the consultant sometime in October. The City officials expected the final report shortly after that meeting.

PUBLIC HEARING: CONSIDERATION OF ERWIN ZUNDEL'S REQUESTS: 1) ORDINANCE AUTHORIZING ORDER TO VACATE ALL OF LOT 17 SHEPARD HEIGHTS SUBDIVISION AND AUTHORIZING THE RECORDING OF A MINOR TWO-LOT SUBDIVISION; 2) WAIVER/REDUCTION OF SUBDIVISION APPLICATION FEES; AND 3) DEFERRAL OF TIME TO PAY CITY IMPACT FEES ON NEWLY CREATED LOT UNTIL BUILDING PERMIT IS ISSUED (Agenda Item #6)

Mr. Forbush reviewed the history of the agenda item. Staff recommended a reduction of subdivision application fees from \$500 to \$250. They believed that Mr. Zundel was justified in his request since all of the utility laterals have been installed and there was no need to spend money on engineering fees. Also, the City staff supported the concept of not charging Mr. Zundel the impact fees until the building permit is issued.

Public Hearing

Mayor Connors opened the meeting to a public hearing. He invited the applicant to address the Council

Karen Zundel (298 West Grandview) stated the lot split had been requested because she and her husband wished to refinance. The financing institution had required the lot split. Laterals had been brought in at the time the Shepard Heights Subdivision was constructed. She stated that it was not anticipated there would be a request for a building permit for at least 2 to 3 years.

Public Hearing Closed

With no further forthcoming comments, the **Mayor** closed the public hearing.

Motion

After a brief discussion, **Bob Hasenyager** moved that the City Council adopt Ordinance No.2003-40, an ordinance authorizing the Mayor to enter an order vacating and amending Lot 17 of the Shepard Heights Subdivision and directing that the same be recorded with the Davis County Recorder's Office; that the City Council reduce the subdivision application fees from \$500 to \$250; and that the City Council defer the time to pay City impact fees on the newly created lot until a building permit is issued. **David Hale** seconded the motion.

In discussion of the motion, Mr. Hale noted that the decision to reduce the subdivision fee and the deferment of the payment of impact fees was based on the fact that engineering for the property had already been accomplished and that there was not a precedence set for any other requests.

Voting on the motion indicated a unanimous affirmative vote.

FINAL PLAT APPROVAL REQUESTS FOR FARMINGTON GREENS, PHASE IB AND IC/PROTERRA (Agenda Item # 7)

Mr. Forbush reviewed the agenda item. He asked the developer to address the 1000 foot dead end issue that may be remaining in the design of the proposal.

Gerry Tully (developer) stated it was the nature of the financing that influenced the need to sub-plat the subdivision. All engineering had been accomplished for the entire project. The developer was now ready to complete the loop which would eliminate the 1000 foot dead end issue. The temporary roadway connecting through to Clark Lane would be completed as part of the phase. The development agreement called for an initial asphalt surface, which the developer intended to provide. The temporary roadway would be a 25-foot wide access suitable for emergency vehicles.

Mr. Hale asked when improvements along Clark Lane would be completed.

Mr. Tully responded the improvements along Clark Lane would be done when lots adjacent to the road were developed.

Mr. Hale requested information about garages in the subdivision.

Mr. Tully stated the design of homes in the subdivision was unusual in that garages were either detached and set back, detached and loaded from a rear alley, or were attached and set back from the front of the home. The street scape would have porches and people noticeable, not garages. He commented on the open space being prepared. He said that 80 percent of the open space required for the development was ready. Boundary lines had recently been approved which made the design of the open space possible.

Mr. Hasenyager stated that it was the usual policy of the City to require a percentage of open space to be dedicated with each phase approval.

Mr. Forbush stated that City officials had walked the final alignment of the trail corridor. The City has been deeded the property for the trail. It now needs to be recorded.

Motion

Susan Holmes moved that the City Council grant final approval for Phases IB and IC of

the first plat of the Farmington Greens Subdivision subject to compliance with all tenants of the development agreement, including the installation of a temporary access to Clark Lane and confirmation of the dedication of the agreed upon portion of open space for this phase. **Bob Hasenyager** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #8)

Susan Holmes moved that the City Council approve the following items by consent as follows:

8-1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.

8-2. Approval of General Service Contract with Utah Power related to electrical facilities at the new Community center. The City Manager has reviewed this with Utah Power personnel and reports that it is in the best interests of the City to approve the contract.

8-3. Adoption of Resolution ratifying City Council Minute Motion action take at September 3rd meeting when the Storm Water Management Plan was adopted by minute motion.

8-4. Authorization to send letter to Davis School District requesting solution to parking problems surrounding Kendall Building.

8-5. Approval of October's Farmington's *Newsletter*.

Larry Haugen seconded the motion, which passed by unanimous vote.

[David Petersen arrived at 9:00 P.M.]

APPROVAL OF TUSCANY COVE DEVELOPMENT AGREEMENT (Agenda Item #9)

Mr. Petersen reviewed details of the Tuscany Cove Development Agreement. Several changes had been suggested by the City's Attorney. Those changes were included in the draft presented.

When discussing the access to the east which was to be replaced in a different location, the developer requested the requirement be delayed until dangers of the fire season were over. The contractor hired to cut the access was concerned that sparks from the excavation equipment may ignite a hillside fire.

After discussion, Council members agreed to include language in the development agreement that allowed the developer to take up to 90 days to complete the access replacement.

Mr. Hasenyager asked for a discussion of the "non-exclusive" language regarding the access road. The foothill master transportation plan called for limitations on roads of 30 percent slope or more. The access road should be constructed in compliance with City standards even

though it is not a dedicated public street. Development agreement language should provide for exclusive use of the road for only intended purposes. Mr. Hasenyager proposed that the term “non-exclusive” be stricken and that the agreement should allow for only uses that are appropriate.

Motion

Mr. Hasenyager moved that the City Council approve the Tuscan Cove Development Agreement contingent on the review and acceptance of the Mayor regarding language changes with regards to eliminating the “non-exclusive” issue and subject to changes as discussed and recorded by the City Planner. **Susan Holmes** seconded the motion, which passed by unanimous vote.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen asked if it would be appropriate at this point to schedule a meeting of the economic steering committee and Tom Wooten of the Ross Consulting Group. The Council decided to hold the meeting on Wednesday, October 22 at 7:00 P.M. The meeting would be preceded by a open house celebration of the completion of Heritage Park at 6:00 P.M.

Mr. Petersen reported proceedings of the Planning Commission meeting held September 11, 2003. He covered the following items:

1. The Planning Commission recommended a minor plat approval (Shepard Heights Amended No. 2) for a single lot subdivision (lot split) located at 298 West Grandview Court in an LR zone subject to review and approval of an ordinance to vacate all of Lot 17 of the Shepard Heights subdivision and the recording of said ordinance prior to the recordation of the Shepard Heights Amended No. 2 subdivision plat. The request was made by Erwin Zundel.

- The Planning Commission voted to recommend that the City Council deny the rezone request for 22.18 acres located at approximately 275 South 1100 West from A to AE until a schematic plan for the property consistent with the Farmington City standards is presented to the City for consideration and until issues with the Farmington Downs Subdivision can be resolved.
- The Planning Commission recommended to the City Council that they deny at this time the request to amend the General Plan by re-designating the area south of Shepard Lane, west of I-15, north of Shepard Creek, and east of the D.R.G.W.R.R. from “Rural Residential Density” to “Office/Business Park.” They felt it was important to wait for the conclusion of the economic development study until making such determination.
- After a great deal of deliberation, the Planning Commission denied the request for conditional use approval to establish a small auto dealership located at 49 North Main. Their main concern was setting a precedence for other property owners to

establish an auto dealership.

- ↯ The Planning Commission approved the site plan for a “mare motel” as part of the Buffalo Ranch horse operation located at approximately 2200 West Glovers Lane
- ↯ The Planning Commission considered the addition of the bed and breakfast business as a conditional use to the City ordinances. They requested that Staff return with a draft ordinance at their next meeting.
- ↯ The Commission considered a request by Steve Flanders (owner/operator of the S&S Train Park and Museum) for a recommendation to the City Council to amend the sign ordinance by allowing directional signs for commercial recreation uses on public streets. Staff is looking into possibilities that would be acceptable to citizens and to the Flanders.
- ↯ The Planning Commission recommended a moratorium be placed on new construction in the downtown area until appropriate sending and receiving areas for TDR’s could be considered.

REVIEW OF PATHWAY ASSOCIATES FEASIBILITY STUDY RELATED TO FUND RAISING FOR ARTS CAPITAL PROJECTS/DAVE JONES (Agenda Item #13)

Dave Jones (Pathway Associates) was present and discussed the following with the City Council:

- ↯ Mr. Jones had interviewed more than 20 Farmington residents who were considered an influential cross section of residents who could give a good feel for the potential success of the fund-raising proposal. Mr. Jones explained the design of the interviews.
- ↯ The project overview and purpose were discussed. The methodology of the campaign and whether or not the project could be supported was covered.
- ↯ The question was whether or not the project was feasible and advisable.
- ↯ Specifics of the interview results were reported, including organizational readiness, community perceptions, project appeal, philanthropic competition, and availability of capable leadership and volunteerism. The interviews even included questions about the willingness of participants to actually contribute to the project.
- ↯ Summary statements Mr. Jones reported on were: 1) there is uncertainty about the \$2 million goal, however, \$1 to 1 ½ million may be obtainable; 2) there is ample top level donor prospects, 3) there is a willingness of potential “top ten” donor prospects to contribute; 4) economic and philanthropic trends may not be as

strong as in the past but there are positive signs.

- ▮ Mr. Jones briefly outlined what would need to be accomplished before a campaign could be initiated. He also reviewed budgetary needs.
- ▮ Pathway Associates believes that with patience, diligence and a long-term vision, Farmington City could successfully raise \$1 million to \$1.5 million for the equipping and enhancement of the new multi-purpose center and possibly the amphitheater at Woodland Park. Equally important, the success of such a campaign may lay the groundwork for future similar efforts.

The City Council briefly discussion the presentation, including the following points:

- ▮ **Ms. Holmes** complimented Mr. Jones and thanked him for the great work done. In her opinion, it had been very helpful information.
- ▮ There seemed to be a misconception among residents that the Community Center was just for the arts program. It was important that the use of the building be open to a wide variety of citizen needs, including recreational, use of the building by private citizens, classes, recitals, etc.
- ▮ There was a perception by citizens that there was a divergence from the original goals of the bond election.
- ▮ Further discussion of the issues would be forthcoming.

ADOPTION OF RESOLUTION AMENDING THE CITY'S CONSOLIDATED FEE SCHEDULE TO SET FORTH DRAINAGE UTILITY FEE (Agenda Item #10)

The City Council had discussed the issues involved with the agenda item at length in previous meetings.

Motion

Larry Haugen moved that the City Council adopt Resolution No. 2003-42, a resolution amending the Consolidated Fee Schedule of Farmington City to set forth drainage utility fees. **Susan Holmes** seconded the motion, which passed by unanimous vote.

APPROVAL OF RESOLUTION ADOPTING THE FARMINGTON CITY DRAINAGE FEE UTILITY CREDIT AND ADJUSTMENT POLICY (Agenda Item #11)

The City Council had discussed the issues involved with the agenda item at length in previous meetings.

Motion

Susan Holmes moved that the City Council adopt Resolution No. 2003-41, a resolution adopting the Farmington City Drainage Fee Utility Credit and Adjustment Policy. **Larry Haugen** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF ORDINANCE ENACTING TEMPORARY ZONING REGULATIONS AFFECTING PORTIONS OF FARMINGTON PERTAINING TO THE TRANSFER OF DEVELOPMENT RIGHTS (Agenda Item #12)

The City Council had discussed the issues involved with the agenda item at length in previous meetings. **Mr. Petersen** stated the City Attorney had reviewed the ordinance and had given suggested changes.

Motion

Susan Holmes moved that the City Council approve Ordinance No. 2003-43, an ordinance establishing temporary regulations pertaining to zoning and development of real property and construction related to transfer of development rights located within a portion of the U.S. 89 and I-15 corridor of Farmington City, Utah, subject to the review of the City Attorney. **Bob Hasenyager** seconded the motion, which passed by unanimous vote.

POLICY CONSIDERATION RELATED TO THE NEW COMMUNITY CENTER AND ITS USE/LEISURE SERVICE BOARD RECOMMENDATIONS AND RELATED MATTERS (Agenda Item #14)

Mr. Forbush had prepared information regard the new Community Center and policies regarding budgeting policies and building use. The information was included in the packet and was briefly reviewed.

Mr. Hasenyager stated he would like to add two more matters to be studied. They were: 1) acceptable uses of the building, and 2) if the operation budget of the building would be covered by the suggested fees as much as possible.

The Council discussed the issues and heard some input from Viola Kinney. Ms. Kinney had spent three months collecting information from comparable sources from which a suggested fee schedule had been set. However, some members of the Council felt that a careful study should be made to make sure fees were set high enough to cover budget needs.

Motion

Larry Haugen moved that the City Council authorized the recommendations suggested in the enclosed memo to the Mayor and Members of the City Council from the City Manager dated September 11, 2003, with the following additions:

- a) acceptable uses of the building

- b) having fees cover operational costs as much as possible.

Bob Hasenyager seconded the motion, which passed by unanimous vote.

The motion included the creation of a committee to study the suggested policies. Mr. Hasenyager asked that there be a balance between people who represent art endeavors and those who represent recreation. The Council discussed names for inclusion on the committee

REVIEW OF “DOG DAYS” MEDIA COVERAGE/SUSAN HOLMES AND VIOLA KINNEY (Agenda Item #15)

The City Council discussed the “Dog Days” event held at the Municipal Pool the day after it was closed to the public. There were favorable and unfavorable responses to the event. Several members of the Council heard negative responses from citizens. There were sanitary and health issues raised.

Ms. Holmes felt the event had had a positive effect because of the positive press that it received in local news and television coverage. She stated that health and safety restrictions had been in place for the event.

Ms. Kinney showed a video of the Fox News coverage. Ms. Kinney explained that care was taken to treat the pool with proper chemicals. The pool would be suitable for the public when it opened for the next season.

Mayor Connors felt there need not be action taken regarding repeating the event until consideration of next year’s pool schedule.

REPORT: PENDING ADOPTION OF NEW EMERGENCY PREPAREDNESS PLAN/PROPOSED CREATION OF A NEW “HOMELAND AWARENESS COORDINATION COUNCIL” (Agenda Item #16)

Mr. Forbush reported that a new emergency preparedness plan would be ready for review of the Council during their next meeting. Mr. Forbush also discussed preliminary efforts to create a Community Asset Based Volunteer Committee with representatives from Emergency Preparedness, Public Safety, and Neighborhood Watch. He discussed the need for the committee to address many of the social service requests coming from the Davis County Council of Governments. Such requests included the Community of Promise Program, Organ Transplant Program, etc. Some elements of the committee had met and suggested the name for the committee to be “The Homeland Awareness Coordination Council. Mr. Forbush said future meetings would be held with Council Member Hale attending. A more complete job description of the committee needs to be drafted. Mr. Forbush said he would keep the Governing Body advised.

COMMUTER RAIL/TRANSIT ORIENTED DEVELOPMENT CONFERENCES/

WORKSHOP OPPORTUNITIES (Agenda Item #17)

The Council discussed invitations to difference conferences and workshops on transit-oriented issues. Ms. Holmes may be able to attend a trip to Dallas scheduled for October 16 and 17. A conference to be hosted by Salt Lake City will be held the last part of September. Ms. Holmes should likely attend that conference. Mr. Petersen will attend a workshop in Clearfield on September 24, 2003.

AWARD OF CONTRACT ON SPECIAL IMPROVEMENT DISTRICT 2003-01 PROJECTS/AWARD OF BID/SALE OF BRASS COMB BUILDING AND ADJACENT VACANT LOT (Agenda Item #18)

Mr. Forbush reviewed the bids submitted and discussed issues regarding both projects.

Mr. Hasenyager asked if the contractors for the S.I.D. work had been pre-qualified.

Mr. Forbush stated they had not, but the contractor's work would be closely inspected by City officials. However, he felt that in the future it would be well to have contractors pre-qualified for the bidding process. Mr. Forbush then reviewed the summary of bids for the S.I.D. project with the City Council.

Motion

David Hale moved that the City Council award the bid for Farmington City 2003 S.I.D. Project to Nelson Contractors. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Mr. Forbush stated that restrictions had been placed on the sale of the "Brass Comb properties" to which the potential purchaser had agreed. Restrictions included maintaining the historical nature of the building. The property had been appraised. The minium acceptable bid had been met.

Motion

Bob Hasenyager moved that the City Council approve the sale of the Brass Comb Building and adjacent vacant lot to Key Financial Group for the sum of \$177,777. **Larry Haugen** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS

Unsightly Yard

Mr. Hasenyager reported a yard that was very unsightly and asked that City officials check into the matter.

Public Works Building Lunch Hour

Mr. Johnson reported a citizen complaint that the Public Works Building was closed

during the lunch hour.

After a discussion of the issues, Mr. Forbush stated he would look into resolving the question, but that closing the office was a way to resolve personnel issues with existing staff.

Mayor Connors asked that employee morale not be diminished in light of one complaint.

Dog Citation in the Park

Mr. Johnson reported a citizen complaint about having been cited for walking a dog in the South Park. The citizen said they had the dog on a leash and had been in the park numerous other times with the pet. There were no signs posted and no previous enforcement. Mr. Johnson said reasons should be given for the citation since the party complaining was obeying all conventional rules.

Davis County Animal Control are the ones who issue citations. The City had adopted the County ordinances regarding pet control. Mr. Forbush stated he would investigate the situation and asked that the citation be given him to aid in the research.

Davis County School Busing Issues

Ms. Holmes thanked the Mayor for his letter to the Davis School District regarding busing issues. She felt problems were being resolved.

Heritage Park Open House

Mr. Hale volunteered to oversee the Heritage Park Open House celebration to be held October 22nd. Several options were discussed regarding speakers and events for the celebration. Mr. Hale will consider options and bring back a plan for the Council's review.

Youth City Council

Mr. Hale suggested that the Youth City Council be allowed to participate in the proceedings of the City Council by sitting at the rostrum perhaps once a month. Mr. Hale would take charge of the youth. The experience would enhance their education of the political process. By consensus, the City Council approved the suggestion.

Street Sweeper Bid

Mr. Forbush stated that the most effective way to finance the street sweeper purchase was to finance it through a lease/purchase method. He estimated the cost would be around \$135,000.00.

Bob Hasenyager moved that the City Council authorize the City Manager to invite bids for a street sweeper with an award of bid to be made on October 1, 2003. **Ed Johnson** seconded the motion, which passed by unanimous vote.

Rudd Creek Letter

Mr. Forbush informed the City Council that it would be best to have Davis County clean out the Rudd Creek basin. They are best equipped to handle the project. It was not possible to

determine whether or not debris from the basin would be usable for road base. It was unlikely that it could be used for road projects.

ADJOURNMENT TO CLOSED SESSION

Bob Hasenyager moved that the City Council adjourn to closed session for the purpose of discussing strategy as it relates to pending litigation at 11:50 P.M. **David Hale** seconded the motion, which passed by unanimous vote.

At 11:55 p.m. a motion to reconvene in open session was made by **David Hale** with a second on the motion by **Susan Holmes**. The motion passed by a unanimous vote. Thereupon there being no further business, and upon motion by **Ed Johnson** the meeting was adjourned.

Margy Lomax, City Recorder
Farmington City